



Local Order Policy – Display of Goods on Council Footpaths

Date policy was adopted by Council:	25 March 2009
Resolution number:	101/09
Previous Policy review date:	June 2013
Next Policy review date:	April 2016
Reference number:	C1379404

1 OUTCOMES:

To control the displaying of goods on Council's Footpaths.

2 POLICY:

To outline Council's adopted position in relation to the display of goods on Council's footpaths.

3 DEFINITIONS

Nil

4 LEGISLATIVE OBLIGATIONS AND/OR RELEVANT STANDARDS

Section 124 and 125, Local Government Act (NSW), 1993
Clause D1.10, Building Code of Australia

5 CONTENT:

Part A

1. Where does this policy apply?

This policy applies to the Queanbeyan City Council Area.

2. How does this policy apply?

This policy applies under Chapter 7 Part 3 of the Local Government Act 1993 and specifies the criteria which Council will consider when giving orders under Section 124 of the Act.

3. When may Council give an order?

Council may give an order about premises (ie land or buildings). The orders are specified in column 1 of the table to Section 124 of the Act and may be given to the person specified in column 3 of the table if the circumstances specified in column 2 exist.

Council may also give orders under Section 125 of the Act for the abatement of a public nuisance.

4. What are the procedures for giving an order?

Before giving an order (except in an emergency or Order No 15 in the table to Section 124 of the Act) Council must issue a Notice of Proposed Order which specifies:

- The person to whom the proposed order is to be given
- The premises involved
- The terms of the proposed order
- The reason for the proposed order
- The time limit for compliance with the order
- The procedures for making representations to Council regarding the requirements of the proposed order.

Council will consider any representations and determine whether the order will be issued.

If appropriate the order will be issued by an authorised Council officer.

5. What are my appeal rights?

You have a right of appeal against an order or a specified part of an order and Council will, in giving a person an order, state that the person may appeal to the Land and Environment Court within 28 days after the service of the order.

Part B

6. What are the criteria for giving orders relating to the display of goods on public footpaths?

Council may make orders for the following matters:

- An object is causing an obstruction (not authorised under any Act) on the public place - Order No 27 (a) of the table to Section 124 of the Act,
- An object is causing or likely to cause danger, annoyance or inconvenience to the public – Order No 27 (b) of the table to Section 124 of the Act.

In determining whether or not to give an order listed above, Council will **NOT** issue an order if the following guidelines are satisfied:

- a) The goods are a freestanding display and/or a structure advertising goods, articles or activities conducted in adjacent premises,
- b) The goods are not to obstruct the exit doorways from the premises
- c) The goods are located:
 - Outside the premises to which they relate
 - Within 1.0 metre from the property boundary
 - So that traffic visibility or pedestrian thoroughfare are not obstructed
- d) The goods are removed at the end of each trading day,
- e) The owner of the goods holds a public liability insurance policy (minimum \$10 million) extended to cover the Council in any claim which may arise from their display,
- f) The goods are designed so that they contain no protrusions, sharp edges, extended frame or legs,
- g) The goods are weighted or otherwise temporarily held down so as to withstand likely forces from wind or other means.


6 PERFORMANCE INDICATOR

No complaints received regarding display of goods on Council Footpaths.

**Policy
All Divisions**

**Local Order Policy – Display of
Goods on Council Footpaths**

POLICY:-	
Policy No:	TBA
Policy Title:	Local Order Policy – Display of Goods on Council Footpaths
Date Policy was adopted by Council:	25 March 2009
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Previous Policy Review Date:	June 2013
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PROCEDURES/GUIDELINES:-	
Date Procedure/Guideline (if any) was developed:	18/10/95
RECORDS:-	
Container Reference in TRIM: Policy	SF080616
Container Reference in TRIM: Procedure	SF090098
Other locations of Policy:	Intranet (linked to TRIM Container)
Other locations of Procedures/Guidelines:	Intranet (linked to TRIM Container)
DELEGATION (if any):-	Nil
RESPONSIBILITY:-	
Draft Policy developed by:	Group Manager Sustainability and Better Living
Committees (if any) consulted in the development of the Draft Policy:	Nil
Responsibility for Implementation:	Group Manager Sustainability and Better Living
Responsibility for Review of Policy:	Group Manager Sustainability and Better Living
INTEGRATED PLANNING FRAMEWORK:	
Community Strategic Plan:	Strategic Priority No.
Delivery Program Title:	
Operational Plan:	Program No.

Senior Authorising Officer	Position General Manager	Signature/Date  25 March 2009
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ACTION	COUNCIL MEETING DATE	RESOLUTION NUMBER	REPORT ITEM NUMBER
New	21 June 1995	425	Environmental Services item 5
Amended	18 October 1995	770	Environmental Services item 11
Amended	16 October 1996	809	Environmental Services item 8
Reconfirmed	25 March 2009	101/09	Item 16/21

DATE REVIEWED	REVIEWER POSITION	REVIEWER NAME
July 2013	Group Manager, Sustainability and Better Living	Michael Thompson